

House Republican Press Release

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Representative Frey: Legislature Approves Cellular Phone Laws



The General Assembly's 2005 Session featured the approval of two bills affecting cellular phone users that were cosponsored by State Rep. John H. Frey. On Thursday, June 2, the State Senate approved legislation that would ban use of hand held cell phones while driving in Connecticut. House Bill 6722, An Act Concerning The

Use Of Hand-Held Mobile Telephones And Hand-Held Mobile Electronic Devices By Operators Of Motor Vehicles, now awaits final approval from Governor M. Jodi Rell, who has publicly said she is inclined to sign the bill into law.

Beginning on January 1, 2006, the legislation will prohibit drivers from using hand-held phones unless they are communicating an emergency situation to an emergency response operator, hospital, physician's office or health clinic, ambulance company, or fire or police department. It would also prohibit drivers from using a mobile electronic device to perform any personal computer function, send or receive electronic mail, play a video game, view a digital video disk player, or take or transmit any digital photograph.

"This legislation has been considered in Connecticut for more than five years now and I'm pleased to see it finally approved by both chambers of the Legislature," said Rep. Frey, who serves as an Assistant Minority Leader. "There is no question the number of people owning cell phones increases every year and that using a hand-held phone while driving is a serious distraction that endangers public safety. While it would be difficult to target all of the many types of distracted driving behavior that irresponsible people engage in, law enforcement can more easily spot a cell phone in someone's hand and this legislation gives them the ability to prosecute them."

Under the legislation, a first violation would be punishable as an infraction with a fine of up to \$75, a second violation by a fine of up to \$150, and a third or subsequent violation by a fine of up to \$250. Because only a first violation is designated as an infraction, and fines for subsequent violations are not designated for payment by mail, second or subsequent violations would require a court appearance.

The second bill, House Bill 5126 was given final legislative approval on June 8, the final day of the Legislative Session. It will take effect unless vetoed by Governor Rell. The new law will prevent cellular telephone companies from printing a customer's cell phone number in a directory unless the customer specifically signs an agreement to allow it.

According to the non-partisan Office of Legislative Research, HB 5126 specifies how customer authorization can be given and allows customers to revoke it at any time. A cell phone company may not charge a fee or refuse to serve a customer who declines to give this authorization. The bill bars anyone from distributing a directory containing information about customers who have not provided such authorization. It also makes violations of these provisions an unfair trade practice.

“This legislation was clearly needed when certain phone companies made it known last year that they intended to publish a cell phone directory,” said Rep. Frey. “If they were allowed to do so without a customer’s permission, it could result in a terrible inconvenience for cell phone users, since the kind telemarketing calls we receive at home could easily wind up on cell phones. Also, since cell phone users pay for incoming calls, a wireless directory could be very profitable for phone companies.”